

LARA C. DE LEON (SBN 270252)  
ldeleon@constangy.com  
**CONSTANGY, BROOKS,  
SMITH & PROPHETE, LLP**  
600 Anton Boulevard, Eleventh Floor  
Costa Mesa, California 92626  
Telephone: (949) 743-3979  
Facsimile: (949) 743-3934

Attorneys for Defendant  
RYDER TRANSPORTATION SOLUTIONS, LLC

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

HUMBERTO PEREZ, an individual

Plaintiff,

vs.

RYDER TRANSPORTATION  
SOLUTIONS, LLC, a limited liability  
company; and DOES 1 through 25,  
inclusive,

Defendants.

Case No.:

*[Removed from Ventura County Superior  
Court Case No. 56-2022-00570401-CU-  
OE-VTA]*

**DEFENDANT RYDER  
TRANSPORTATION SOLUTIONS,  
LLC’S NOTICE OF REMOVAL OF  
ACTION PURSUANT TO 28 U.S.C. §§  
1332, 1441, & 1446**

*[Filed concurrently with Declaration of  
Delores Clark, Declaration of Nadia Noel,  
Civil Case Cover Sheet]*

Complaint Filed: September 26, 2022

Removal Date: November 28, 2022

Trial Date: None Set

**TO THE CLERK AND THE HONORABLE JUDGES OF THE UNITED  
STATES DISTRICT COURT IN AND FOR THE CENTRAL DISTRICT OF  
CALIFORNIA, WESTERN DIVISION AND TO PLAINTIFF:**

1       **PLEASE TAKE NOTICE** that Defendant RYDER TRANSPORTATION  
 2 SOLUTIONS, LLC (“Ryder” or “Defendant”) files this Notice of Removal. This  
 3 action is properly removed pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 because  
 4 of the diversity of citizenship between the parties.

5       This Court has original jurisdiction over this action under section 1332 because  
 6 complete diversity of citizenship exists and the amount in controversy exceeds  
 7 \$75,000, exclusive of interest and costs. Accordingly, this action is removable under  
 8 28 U.S.C. §§ 1441 and 1446. The following is a short and plain statement of  
 9 Defendant’s grounds for removal:

### 10       **PROCEDURAL BACKGROUND**

11       In compliance with 28 U.S.C. § 1446(a), Defendant asserts the following  
 12 grounds for removal:

13       1. On or about September 26, 2022, Plaintiff Humberto Perez (“Plaintiff”)  
 14 commenced an action against Ryder by filing a Complaint in the Superior Court of  
 15 the State of California, County of Ventura (“State Court”), entitled *Humberto Perez*  
 16 *v. Ryder Transportation Solutions, LLC, et al.*, Case No. 56-2022-00570401-CU-OE-  
 17 VTA (the “State Court Action”). A true and correct copy of the Complaint in the State  
 18 Court Action is attached hereto as **Exhibit A**. A true and correct copy of the Civil  
 19 Case Cover Sheet is attached hereto as **Exhibit B**. A true and correct copy of the  
 20 Notice of Case Assignment and Mandatory Appearance is attached hereto as **Exhibit**  
 21 **C**. A true and correct copy of the executed Notice and Acknowledgment of Receipt  
 22 of Service is attached hereto as **Exhibit D**.

23       2. Plaintiff’s Complaint alleges claims Ryder for: (1) Disability  
 24 Discrimination in Violation of FEHA; (2) Failure to Reasonably Accommodate a  
 25 Disability in Violation of FEHA; (3) Failure to Engage in a Good Faith Interactive  
 26 Process in Violation of FEHA; (4) Retaliation in Violation of FEHA; (5) Failure to  
 27 Prevent Discrimination and Retaliation in Violation of FEHA; and (6) Wrongful  
 28

1 Termination in Violation of Public Policy; and (7) Declaratory and Injunctive Relief  
2 Pursuant to Code of Civil Procedure sec. 1060.

3 3. As of the date of this Notice of Removal, no other parties have been  
4 served with the Complaint in this matter

5 4. Defendants “DOES 1 through 25, inclusive” have not been identified, nor  
6 is there any record of their having been served with the Complaint in the State Court  
7 Action.

### 8 **TIMELINESS OF REMOVAL**

9 5. Pursuant to 28 U.S.C. § 1446, a notice of removal of a civil action must  
10 be (1) filed within 30 days after the receipt by defendant, by service or otherwise, of  
11 the initial pleading setting forth the claim for relief, and (2) within one year after the  
12 commencement of the action. 28 U.S.C. § 1446(b) and (c); *see also Murphy Bros.,*  
13 *Inc. v. Michette Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999) (30-day removal period  
14 runs from the date of service of the summons and complaint).

15 6. This Notice is timely filed in that (1) it has been filed within 30 days of  
16 October 25, 2022, the date service was effectuated on Ryder in this action, and (2) it  
17 has been filed within one year of September 26, 2022, the date Plaintiff filed his  
18 Complaint with the State Court.

19 7. Ryder will serve written notice of the filing of this Notice of Removal to  
20 Plaintiff as required by 28 U.S.C. § 1446(d) and will file a Notice of Removal with  
21 the clerk of the State Court, as further required by that statute.

### 22 **JURISDICTION AND VENUE ARE PROPER**

23 8. **Basis of Jurisdiction.** The Court has original jurisdiction over this action  
24 because complete diversity of citizenship between citizens of different states exists  
25 and the matter in controversy exceeds \$75,000, exclusive of interests and costs. 28  
26 U.S.C. § 1332 (a)-(b).

27 9. **Venue.** Venue lies in the United States District Court for the Central  
28 District of California, Western Division, pursuant to 28 U.S.C. §§ 84(c)(3) and

1 1441(a) because this Court’s territorial jurisdiction includes Ventura County,  
 2 California, where the State Court Action was filed and is pending.

3 **COMPLETE DIVERSITY OF CITIZENSHIP EXISTS**

4 10. This Court has jurisdiction over this action under 28 U.S.C. § 1332(a)(1),  
 5 and it may be removed to this Court pursuant to 28 U.S.C. § 1441(b). This action  
 6 involves citizens of different states and complete diversity. The amount in  
 7 controversy exceeds the sum of \$75,000, exclusive of interests and costs.

8 11. **Plaintiff is a Citizen of California.** For purposes of removal, the  
 9 citizenship of a natural person is established by his or her domicile. *See* U.S.C. §  
 10 1332(a)(1) (an individual is a citizen of the state in which he or she is domiciled); *see*  
 11 *also Kantor v. Wellesley Galleries, Ltd.*, 704 F.2d 1088, 1090 (9<sup>th</sup> Cir. 1983). A  
 12 natural person is “domiciled” in a location “where he or she has established a fixed  
 13 habitation or abode in a particular place and intends to remain there permanently or  
 14 indefinitely.” *Lew v. Moss*, 797 F.2d 747, 749–50 (9<sup>th</sup> Cir. 1986) (further providing  
 15 that “domicile for purposes of diversity is determined as of the time the lawsuit is  
 16 filed”); *see also State Farm Mutual Auto Insurance Co. v. Dyer*, 19 F.3d 514, 520  
 17 (10<sup>th</sup> Cir. 1994) (residence is prima facie evidence of domicile for purposes of  
 18 determining citizenship); *Middleton v. Stephenson*, 749 F.3d 1197, 1200-01 (10<sup>th</sup> Cir.  
 19 2014) (domicile is determined based on the totality of circumstances, including a  
 20 party’s current residence, place of employment, and representations in public  
 21 documents).

22 12. In this action, there is no question that Plaintiff is a citizen of California.  
 23 In his Complaint, Plaintiff alleges that “at all times mentioned in this Complaint [he]  
 24 was, a resident of the County of Ventura, California.” (Exhibit A, Complaint at ¶ 1.)  
 25 According to Ryder’s most recent employment records, Plaintiff’s last known mailing  
 26 address was in Simi Valley, California. (Declaration of Nadia Noel (“Noel Decl.”),  
 27 ¶ 5.) Because there is no evidence to the contrary, Plaintiff is a citizen of the state of  
 28 California for purposes of this jurisdictional analysis. *See, e.g., Adams v. W. Marine*

1 *Prod., Inc.*, 958 F.3d 1216, 1221 (9th Cir. 2020) (holding that, in connection with  
 2 removal to federal court, a person’s continuing domicile in a state establishes  
 3 citizenship “unless rebutted with sufficient evidence of change”).

4 13. **Ryder is Not a Citizen of California.** For purposes of establishing  
 5 diversity, a corporation is deemed to be a “citizen” of the state in which it has been  
 6 incorporated and the state where it has its principal place of business. 28 U.S.C. §  
 7 1332(c)(1); *United Computer Systems, Inc. v. AT&T Corp.*, 298 F.3d 756, 763 (9th  
 8 Cir. 2002). The United States Supreme Court has confirmed that to determine a  
 9 corporation’s principal place of business, a court must apply the “nerve center” test.  
 10 *See Hertz Corp. v. Friend*, 130 S. Ct. 1181, 1192 (2010) (“*Hertz*”). In pertinent part,  
 11 the *Hertz* Court explained:

12 We conclude that ‘principal place of business’ is best read as referring to  
 13 the place where a corporation’s officers direct, control, and coordinate the  
 14 corporation’s activities. It is the place that Courts of Appeals have called  
 15 the corporation’s ‘nerve center.’ And in practice it should normally be the  
 16 place where the corporation maintains its headquarters -- provided that the  
 17 headquarters is the actual center of direction, control, and coordination,  
 18 i.e., the ‘nerve center,’ and not simply an office where the corporation  
 19 holds its board meetings (for example, attended by directors and officers  
 20 who have traveled there for the occasion). *Id.*; *see also 3123 SMB LLC v.*  
 21 *Horn*, 880 F.3d 461, 465 (9th Cir. 2018).

22 14. Thus, under *Hertz*, the “nerve center” of a corporation is the place in  
 23 which the corporation’s executives and administrative functions are located. *See Scot*  
 24 *Typewriter Co. v. Underwood Corp.*, 170 F. Supp. 862, 864-65 (S.D.N.Y. 1959)  
 25 (corporation’s principal place of business was New York, where its management was  
 26 located, rather than Connecticut where most of its manufacturing was done). Similar  
 27 to partnerships, LLCs for purposes of diversity jurisdiction are treated as “a citizen of  
 28 every state of which its owners/members are citizens.” *Johnson v. Columbia*  
*Properties Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006). “Thus, when a  
 corporation is a member of an LLC, the citizenship of the LLC will include the state(s)  
 of which the corporation is a citizen.” *Carper v. Tribune Media*, No. CV 15-04259

1 MMM (SSx), 2015 WL 5636922, at \*3 (C.D. Cal. Sept. 28, 2015) (Morrow, J.) (citing  
2 *Johnson*, 437 F.3d at 899).

3 15. Defendant is not citizen of California. Ryder's layered membership  
4 structure makes it a citizen of both Delaware and Florida. Defendant Ryder  
5 Transportation Solutions, LLC is a Delaware LLC whose sole member is Ryder  
6 System, Inc. *See* Declaration of Delores Clark ("Clark Decl.") ¶ 3. Ryder System,  
7 Inc. is a corporation that is incorporated under the laws of the State of Delaware, with  
8 its corporate headquarters and principal place of business located in Miami, Florida.  
9 (Clark Decl. at ¶ 5.) Florida is indisputably the "nerve center" of Ryder System, Inc.  
10 because it is where the majority of its executive, operational, and administrative  
11 functions are performed. (Clark Decl. ¶ 6.) Specifically:

- 12 a. Ryder System, Inc.'s corporate headquarters and home offices are  
13 located at 11690 N.W. 105th Street, Miami, Florida 33178. (Clark  
14 Decl. ¶ 5.)
- 15 b. Most of Ryder System, Inc.'s senior executives are located at the  
16 corporate headquarters, where day-to-day control over Ryder  
17 System, Inc.'s business is located. (*Id.* at ¶ 6)
- 18 c. Virtually all the corporate decisions of Ryder System, Inc.,  
19 including operational, executive, administrative, and policymaking  
20 decisions, are made at its Miami, Florida headquarters. (*Id.*)

21 Since Ryder System, Inc. is a citizen of Delaware and Florida, Defendant is  
22 also a citizen of Delaware and Florida. *See Tribune Media*, 2015 WL 5635922, at \*3  
23 (denying motion to remand where the defendant, a limited liability company, had a  
24 sole member who was another limited liability company, and the sole member of that  
25 limited liability company was a corporation with a place of incorporation in Delaware  
26 and a principal place of business in Illinois); *Baghdasarian v. Macy's Inc.*, No. 2:21-  
27 CV-04153-AB (MAAx), 2021 WL 4026760, at \*6 (C.D. Cal. Sept. 2, 2021) (Birotte  
28 Jr., J) (determining complete diversity of citizenship existed where a defendant, a

1 limited liability company with layered membership structure that included both a  
 2 limited liability company and a corporation, was a citizen of Delaware and New  
 3 York); *Nunez v. Dean Food Vegetable Co.*, No. CV 16-04549-BRO (RAO), 2016 WL  
 4 4445742, at \*3 (C.D. Cal. Aug. 22, 2016) (O’Connell, J.) (denying motion to remand  
 5 where the defendant, a limited liability company, had a layered membership structure  
 6 with citizenship with both Wisconsin and Texas).

7 16. Thus, Plaintiff and Defendant are “citizens of different States” under 28  
 8 U.S.C. § 1332(a).

9 17. **Fictitious “Doe” Defendants are Disregarded.** The Complaint also  
 10 names as defendants DOES 1 through 25, which Plaintiff alleges are defendants being  
 11 sued in their fictitious names. *See* Exhibit A, Complaint. Does 1 through 25 are  
 12 fictitious defendants which are not parties to this action, are not required to join in a  
 13 removal petition, and must be disregarded for removal purposes. *See* 28 U.S.C. §§  
 14 1441(a) and 1447(e); *Soliman v. Philip Morris Inc.*, 311 F.3d 966, 971 (9th Cir. 2002)  
 15 (“citizenship of fictitious defendants is disregarded for removal purposes”);  
 16 *Newcombe v. Adolf Coors Co.*, 157 F.3d 686, 690-91 (9th Cir. 1998) (inclusion of  
 17 “Doe” defendants in a state court complaint has no effect on removal). Thus, the  
 18 inclusion of “Doe” defendants in Plaintiff’s Complaint has no effect on Defendant’s  
 19 ability to remove this case to federal court.

## 20 **THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000**

21 18. **The Amount in Controversy Requirement.** The U.S. Supreme Court  
 22 has affirmed that a notice of removal need only contain a “short and plain statement  
 23 of the grounds for removal.” *Dart Cherokee Basin Operating Co. v. Owens*, 135 S.  
 24 Ct. 547, 551, 551 (2014), citing 28 U. S. C. §1446(a). Accordingly, a defendant need  
 25 not submit evidence in support of a removal, but rather need only plausibly allege that  
 26 the amount in controversy exceeds \$75,000.00. *Id.* (noting that “the defendant’s  
 27 amount-in-controversy allegation should be accepted when not contested by the  
 28 plaintiff or questioned by the court.”).



1           19. The Ninth Circuit recently held that “the amount in controversy includes  
 2 all relief claimed at the time of removal to which the plaintiff would be entitled if she  
 3 prevails.” *Chavez v. JPMorgan Chase & Co.*, 888 F.3d 413, 418 (9th Cir. 2018). If a  
 4 complaint is silent as to the amount in controversy, a defendant can establish the  
 5 amount by the allegations in the complaint or by setting forth facts that the amount  
 6 “more likely than not” exceeds \$75,000. *Sanchez v. Monument Life Ins. Co.*, 102 F.3d  
 7 398, 403-04 (9th Cir. 1996). In determining whether the jurisdictional minimum is  
 8 met, courts consider all recoverable damages, lost wages, including emotional distress  
 9 damages, punitive damages, statutory penalties, and attorneys’ fees. *Hunt v.*  
 10 *Washington State Apple Advertising Comm’n*, 432 U.S. 333 (1977); *Galt G/S v. JSS*  
 11 *Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir. 1998).

12           20. **Plaintiff’s Alleged Damages Exceed \$75,000.** Although Plaintiff’s  
 13 Complaint does not state a specific dollar amount of damages that he seeks. Plaintiff  
 14 alleges claims related to his employment. Specifically, Plaintiff seeks “general  
 15 damages,” “special damages,” “compensatory damages,” “punitive damages,” “pre-  
 16 judgment and post-judgment interest,” “reasonable attorneys’ fees,” “costs of suit,”  
 17 “declaratory ... relief,” and any “other relief”. See Exhibit A, Prayer (1) – (9).

18           21. Ryder denies that Plaintiff is entitled to any recovery in this action, and  
 19 by filing this Notice of Removal, Ryder does not waive any defenses that may  
 20 otherwise be available to it. Without waiving this position, and considering the  
 21 allegations of Plaintiff’s Complaint, the amount in dispute in this matter exceeds  
 22 \$75,000 exclusive of interest and costs.

23           22. ***Compensatory Damages.*** Plaintiff was employed by Ryder as a non-  
 24 exempt, full-time Driver Class A, earning \$22.00 per hour. See Noel Decl. at ¶ 3.  
 25 Plaintiff’s employment with Ryder was terminated on or about May 31, 2022. See  
 26 Noel Decl. at ¶ 4. Plaintiff alleges that due to Ryder’s conduct, he has “suffer  
 27 damages in terms of lost wages, lost bonuses, lost benefits, and other pecuniary loss  
 28



1 according to proof” *See, e.g.*, Exhibit A Complaint at ¶ 58. Accordingly, Plaintiff  
 2 seeks economic damages from Ryder, which include both back wages and front pay.

3 26. Past and future lost wages may be considered when evaluating the amount  
 4 in controversy for purposes of diversity jurisdiction in a removed case. *James v.*  
 5 *Childtime Childcare, Inc.*, 2007 WL 1589543, at \*4, n.1 (E.D. Cal. June 1, 2007)  
 6 (“The court evaluates the amount in controversy at the time of removal, **but it may**  
 7 **consider both past and future lost wages.**”) (emphasis added) (*citing Kroske v. U.S.*  
 8 *Bank Corp.*, 432 F.3d 976, 980 (9th Cir. 2005), *as amended on denial of reh'g and*  
 9 *reh'g en banc* (Feb. 13, 2006)). In *Kroske*, the Ninth Circuit affirmed the district  
 10 court’s finding that the amount in controversy for a case removed to federal court  
 11 would exceed \$75,000 where the district court’s calculation relied on both past and  
 12 future wages. *Kroske, supra*, 432 F.3d at 980. Indeed, other district courts in  
 13 California have “projected lost wages through trial to determine whether the  
 14 jurisdictional amount in controversy has been met” for cases removed to federal court  
 15 based on diversity jurisdiction. *Thompson v. Big Lot Stores, Inc.*, 2017 WL 590261,  
 16 at \*3 (E.D. Cal. Feb. 13, 2017) (district court affirmed removal diversity jurisdiction  
 17 based on past lost wages and projected future lost wages through trial); *Tiffany v.*  
 18 *O'Reilly Auto. Stores, Inc.*, 2013 WL 4894307, at \*2-4 (E.D. Cal Sept. 11, 2013)  
 19 (district court affirmed removal diversity jurisdiction based on past lost wages and  
 20 projected future lost wages through trial); *see also James, supra*, at \*4 & n.1 (court  
 21 considered future lost wages in determining the amount in controversy for purposes  
 22 of removal based on diversity jurisdiction).

23 27. Assuming this case proceeds to trial in June 2024 (20 months after the  
 24 Complaint was served), and assuming Plaintiff remains without work through the  
 25 time of trial, he will claim approximately 86 weeks of back wages, which would  
 26 amount to \$75,680.00 (\$22.00/hour x 40 hours/week x 86 weeks). Moreover, this does  
 27 not include potential future lost wages, which in California, can potentially span  
 28 several years. Assuming Plaintiff seeks a front pay award of four years (which is a

1 conservative estimate if this scenario applied), that amount would total an additional  
2 \$183,040.00, for a total of \$258,720.00 in front pay and back pay damages. *See Smith*  
3 *v. Brown-Forma Distillers Corp.*, 196 Cal. App. 3d 503, 518 (1989) (upholding an  
4 award of front pay until mandatory retirement age reached); *Rabaga-Alvarez v. Dart*  
5 *Industries, Inc.*, 55 Cal. App. 3d 91, 97 (1976) (awarding a front pay award spanning  
6 over a four-year period); *Drzewiecki v. H&R Block, Inc.*, 24 Cal. App. 3d 695, 705  
7 (1972) (where the front pay award totaled 10 years).

8       28. ***Emotional Distress Damages.*** Plaintiff also claims that he has suffered  
9 emotional distress damages because of Ryder's actions. Specifically, he alleges that  
10 he "suffered and will continue to suffer physical and emotional injuries, including  
11 nervousness, humiliation, depression, anguish, embarrassment, fright, shock, pain,  
12 discomfort, fatigue, and anxiety . . . [t]he amount of damages will be ascertained at  
13 trial." *See* Exhibit A, Complaint at ¶ 38. Emotional distress damages may be  
14 considered when calculating the amount in controversy even when not clearly pled in  
15 the Complaint. *Simmons v. PCR Tech.*, 209 F.Supp.2d. 1029, 1034 (N.D.Cal. 2002);  
16 *Richmond v. Allstate, Ins. Co.*, 897 F.Supp. 447, 450 (S.D.Cal. 1995) ("the vagueness  
17 of plaintiff's pleadings with regard to emotional distress damages should not preclude  
18 this Court from noting that these damages are potentially substantial"). While Plaintiff  
19 has not quantified his emotional distress damages, when considered with his claims  
20 for compensatory damages, even a nominal demand for \$25,000 in emotional distress  
21 damages would push the total claimed damages in this case beyond the \$75,000  
22 threshold.

23       29. ***Punitive Damages.*** Plaintiff also seeks punitive damages in his  
24 Complaint. Although California law does not provide any specific monetary limit on  
25 the amount of punitive damages which may be awarded pursuant to Cal. Civil Code  
26 section 3294, the proper amount of punitive damages under California law is  
27 generally based on the reprehensibility of a defendant's misdeeds, the ratio between  
28 compensatory and punitive damages, and ratio between damages and Defendant's net

1 worth. *See Boyle v. Lorimar Productions, Inc.*, 13 F.3d 1357 (9th Cir. 1994). Punitive  
2 damages are included in calculating the amount in controversy. *See Davenport v.*  
3 *Mutual Ben. Health & Acc. Ass’n*, 325 F. 2d 785, 787 (9th Cir. 1963); *see also Aucina*  
4 *v. Amoco Oil Co.*, 871 F. Supp. 332 (S.D. Iowa 1994) (“*Aucina*”).

5 30. In *Aucina*, for example, the employer-defendant established that the  
6 amount in controversy exceeded the jurisdictional minimum where the former  
7 employee asserted claims for lost wages, lost benefits, mental anguish, and punitive  
8 damages. *Aucina*, 871 F. Supp. at 334. The court noted that “[b]ecause the purpose of  
9 punitive damages is to capture a Defendant’s attention and deter others from similar  
10 conduct,” a claim for punitive damages could exceed the jurisdictional threshold  
11 amount of \$75,000 on its own. *Id.*; *Prasad v. University of Cal. Davis Med. Ctr.*, JVR  
12 No. 802857 (\$60,000 punitive damage award); *Brown vs. LNP Engineering Plastics*  
13 *Inc.*, Cal. Super. Ct for Orange County Case No. 760384, 2 Trials Digest 3d 109  
14 (\$667,000 punitive damages award); *Carrol v. Interstate Brands Corp. dba*  
15 *Wonderbread, dba hostess & dba Dolly Madison, et al.*, Cal.Super.Ct. for the County  
16 of San Francisco Case No. 995728 1 C.E.L.M. 68 (Sept. 2000) (\$121,000,000  
17 punitive damage award); *Lane v. Hughes Aircraft Co.*, JVR No. 801112 (\$40,000,000  
18 punitive damage award).

19 31. Based on the foregoing, it is reasonable to assume that the \$75,000  
20 threshold would be satisfied. *See Simmons*, 209 F.Supp.2d at 1034 (holding that  
21 plaintiff’s employment discrimination claim exceeded the federal jurisdictional  
22 minimum, even though the lost wages at the time of removal were just \$26,500,  
23 because plaintiff sought emotional distress damages, punitive damages, and  
24 attorney’s fees under FEHA); *Kroske*, 432 F.3d at 980 (affirming removal of bank  
25 employee lawsuit. Even though employee earned less than \$75,000 per year, because  
26 emotional distress damages in a FEHA claim could reasonably be assumed to add  
27 enough to her lost wages and front pay to exceed the jurisdictional amount); *see, e.g.,*  
28 *White v. FCI USA, Inc.*, 319 F.3d 672, 675-76 (5th Cir. 2003) (holding that plaintiff’s

wrongful termination claim exceeded \$75,000 based on his “lengthy list” of compensatory damages including loss of pay, employment benefits, impaired earning capacity, emotional distress, and other remedies). Accordingly, the amount in controversy in this action exceeds the jurisdictional sum or value of \$75,000.

**CONCLUSION**

Complete diversity of citizenship exists in as much as Plaintiff is a citizen of California and Defendant is a citizen of Florida and Delaware. Furthermore, the amount in controversy exceeds \$75,000.00. Accordingly, this Court has diversity jurisdiction of this matter pursuant to 28 U.S.C. §§ 1332, and 1441, and 1446, and Ryder has properly removed the State Court Action to this Court.

WHEREFORE, Ryder prays that the State Court Action be removed from the Superior Court of California, County of Ventura to this Court.

Date: November 28, 2022

**CONSTANGY, BROOKS, SMITH &  
PROPHETE, LLP**

By: /s/ Lara C. de Leon  
Lara C. de Leon  
Attorneys for Defendants  
RYDER TRANSPORTATION SOLUTIONS,  
LLC